# 1NC – Black Safe Spaces

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### Safe Spaces DA (2:50)

#### Imagine being stuck in a sort of vertigo that seems as if you have no where to go, no where to hide, no where to just be with people who understand your struggle – this is the analysis the 1AC fundamentally misses and affirms for more free speech – safe spaces on college campuses are necessary and needed to help black students deal with being black.

[Tyler **Kingkade**](http://www.huffingtonpost.com/tyler-kingkade) [Lilly Workneh](http://www.huffingtonpost.com/lilly-workneh) [Ryan Grenoble](http://www.huffingtonpost.com/ryan-grenoble) Nov 16th, 20**15** Campus Racism Protests Didn't Come Out Of Nowhere, And They Aren't Going Away Quickly Mizzou seems to have catalyzed years of tension over inequality and race. Senior Editor/Reporter, The Huffington Post, Senior Black Voices Editor, The Huffington Post News Editor, The Huffington Post <http://www.huffingtonpost.com/entry/campus-racism-protests-didnt-come-out-of-nowhere_us_56464a87e4b08cda3488bfb>

If there's one thing **University of Missouri** senior Alanna Diggs thinks people are getting wrong about campus racism protests, it's the assumption that they're something new. The [demonstrations at Mizzou this month](http://www.huffingtonpost.com/entry/turmoil-at-mizzou_56437477e4b045bf3ded443f) resulting in the ouster of two top university leaders, partly over how they handled various racist incidents on campus, Diggs said, "were not a result of spontaneous combustion." "It **was not an overdramatic reaction by a couple of angry black students, but a moment built up over time,**" Diggs continued. "Many of us behind the scenes have been suffering and struggling with administration and students while trying to deal with class and work. The **movement is not over. This is the beginning." The demonstrations at Mizzou's campus in** Columbia came on the [heels of unrest](http://www.thenation.com/article/dont-tell-the-student-protestors-at-yale-to-grow-up/)[at Yale University](http://www.huffingtonpost.com/entry/yale-student-halloween-costumes-christakis_5644baa8e4b045bf3dedfe1e), and have been copied -- complete with demands for resignations --at dozens of other colleges, including[Ithaca College in New York,](http://www.huffingtonpost.com/entry/ithaca-college-mizzou-protests_5643eb6ee4b08cda3487783e)the [University of Kansas](https://mail.google.com/mail/u/0/#inbox/1510ece74cd545b9?compose=1510e4b3c80b16b9) and [Claremont McKenna College](http://www.huffingtonpost.com/entry/claremont-mckenna-dean-resigns-following-protests-hunger-strike_56454021e4b060377348868e?ncid=tweetlnkushpmg00000056)near Los Angeles.  Protests staged on college campuses last week are the culmination of years of activism around inequality and [everyday racism](http://www.huffingtonpost.com/entry/black-students-around-america-speak-out-about-casual-everyday-racism_56465539e4b08cda3488cd66), and incidents pushing racial divisions to the surface. The demands activists are making are reminiscent of similar protests decades earlier. And scholars caution there's no single switch colleges can flip to fix things -- improving racial tensions on campuses will likely take years.  "What we are seeing is the beginning of a movement where students and student groups across campuses are finding the courage to speak up about what they have been experiencing," said Yolanda Sealey-Ruiz, a scholar of Latino and black male students, at Columbia University. "I think Mizzou is a catalyst, an inspiration perhaps, but not a one-off event. I think we are also witnessing a reprise to history -- college campuses have historically been places where protest to inequality has taken place." Students are arriving on campus believing racism remains persistent in America today**. According to**[**an annual survey of more than 150,000 incoming freshmen by UCLA**](http://www.huffingtonpost.com/2015/02/07/college-student-survey-race_n_6632854.html)**, the percentage of students who believe racism is no longer an issue has risen slowly over 25 years, from 19 percent in 1990 to 24 percent in 2015. Students of color who've spoken with HuffPost say that does not surprise them, given that students are growing up witnessing high-profile deaths of unarmed black men and teens, like Trayvon Martin, Tamir Rice and Eric Garner.** Those experiences are coupled multiple examples of fraternity and **sorority parties** [**featuring black face and caricatures**](http://www.huffingtonpost.com/2013/09/03/frats-behaving-badly_n_3830905.html)**of various ethnic groups, while Muslim students at some**[**campuses have**](http://www.huffingtonpost.com/2012/02/28/yale-students-respond-to-nypd-spying_n_1307321.html)**been subjected to spying by**[**law enforcement**](http://www.huffingtonpost.com/entry/cuny-nypd-muslim-surveillance_5633bc89e4b0631799124f48)**.**  "We're not that much that different than the people being killed," said Taylor Lemmons, a junior at Claremont McKenna College. "**Just because we're going to get a degree from these shiny institutions doesn't mean we're that much different**." In some cases, students who say racism is still a prevalent issue have been proven right. The [University of Alabama's](http://www.huffingtonpost.com/news/university-of-alabama-racism/)sororities didn't begin accepting black women as members until 2013. In March, [fraternity brothers in Oklahoma were caught](http://www.huffingtonpost.com/2015/03/27/sae-fraternity-racist-song_n_6956790.html)on video singing and laughing about lynching black men -- racial slurs included. "We're living in a time where issues that haven't been appropriately attended to for a number of years are getting much more attention," said Benjamin Reese Jr., Duke University's chief diversity officer. "I don't think students suddenly woke up to things. I think they're reacting not only to the events on campus and incidents around the country." Brown University senior Armani Madison said part of his discontent with his school is fueled by demands made by black students in 1968, 1975 and 1985 that "have yet to be fulfilled, despite university promises." Activists at Occidental College noted their demand for a black studies major has existed since 1968. [Students of color have organized](http://www.huffingtonpost.com/2013/11/08/ucla-black-enrollment-freshmen_n_4242213.html) campaigns at[Colgate University](http://www.huffingtonpost.com/2014/09/24/colgate-university-protest-racist-yik-yak_n_5875106.html), the [University of Michigan](http://www.huffingtonpost.com/2013/11/20/bbum-university-of-michigan-black-students_n_4310790.html), [UCLA,](http://www.huffingtonpost.com/2014/02/27/ucla-law-school-racism-diversity_n_4860406.html)and [Harvard](http://www.huffingtonpost.com/catherine-okafor/i-too-am-harvard_b_4885878.html), among other schools, to highlight inequities. Some of these demands at Brown, Mizzou and elsewhere are for an increase in the percentage of minority students and faculty.  More selective colleges are still disproportionately white compared with the general population, data from the [Georgetown University's Center on Education and the Workforce](https://cew.georgetown.edu/wp-content/uploads/2014/11/SeparateUnequal.FR_.pdf) shows. **College presidents, football coaches and professors**[**all are much more likely**](http://chronicle.com/article/Racial-Disparities-in-Higher/234129?cid=at&utm_source=at&utm_medium=en&elq=31792de5059c442b86adcd1560ebf7fd&elqCampaignId=1797&elqaid=6828&elqat=1&elqTrackId=8f53ff5e74fe4a979b3817f5ebde8105)**to be white, too. Black students are**[**less likely to graduate**](http://fivethirtyeight.com/features/mizzous-racial-gap-is-typical-on-college-campuses/)**within six years compared with their classmates**. **But even increasing the percentage of students of color on campus is not enough,** insisted Deborah Bial, founder of the Posse Foundation, which partners with colleges to place minority students.“It's the responsibility of every institution to be transparent to have as many ongoing conversations as possible, to create forums, to use every resource they have from the president to the students themselves," Bial said. "And the conversation shouldn't just be happening one time." Activists also are demanding changes to curriculum to address diversity and an administrative acknowledgement of barriers that students of color face. Students of color say they're constantly reminded that they are "different." Reine Ibala, a senior at Yale, described either feeling "invisible" on campus, or like she was an intruder and couldn't rely on bystanders to help if something happened. "**The thing about being black on a college campus in an urban area is that your color -- in my case, my blackness -- at times puts my status as a student in question," Ibala said. "Here in New Haven, the assumption is first that I am a 'townie.'"  Students protesting on campuses told HuffPost their demonstrations were not simply about offensive Halloween costumes, misguided emails from administrators or one person shouting the N-word. The emotional response** ,which sometimes receives backlash, **comes from dealing with years of feeling like administrators aren't trying to make things better for them. "**It shouldn't take days of our tears and anger to move an administration to listen," Ibala said.  Transparency during the next steps will be critical, said Reese, president of National Association of Diversity Officers in Higher Education. Reese recommended including students in assessing what steps a college will take to address racial issues -- something activists are demanding at Mizzou and Claremont McKenna, among other campuses. But in the near term, both Reese and Bial emphasized that colleges will have to be quicker to respond to individual incidents of racism.  "It's important to say this happened and we're not okay with it, and it's important for students to say it as well -- I can't emphasize that enough," Bial said. "Students can't give up the power they have to voice opinions about what's okay and what's not okay." Vernā Myers, a diversity consultant and author, said now that Mizzou has served as a spark, protests against campus racism won't go away**.  "This generation didn't think they'd have to go through something like this," Myers said. But now, they are empowered to do so, and "they're going to help our country live up to what we say we believe."**

#### The politics of the 1AC removes safe spaces on college campuses – this impact turns and outweighs the case – safe spaces are uniquely key for marginalized communities to come together and actually engage in conversations about identity

Pickett 16 RaeAnn Pickett. August 31st 2016. *Pickett is senior director of communications and public Affairs at the National Latina Institute for Reproductive Health and a Ms. Foundation Public Voices Fellows.* ***Trigger Warnings and Safe Spaces Are Necessary****.* Published by TIME.

After the birth of my first son, I had postpartum depression. I was a mess emotionally, and I was in desperate need of feeling safe. I had no idea what “trigger warnings” or “safe spaces” were, but I had been using them internally for days—avoiding the mommy movies and choosing not to go to the breastfeeding support group where I felt like a failure. Being able to know beforehand what experiences I should avoid and create an environment where I felt safe made it easier for me to share my struggles and move past them. Everyone deserves that opportunity. The University of Chicago recently [decided](http://time.com/4466021/uchicago-trigger-warnings/) to put an end totrigger warnings—advance notice of subject material that might upset students—and safe spaces—places where students can avoid those subjects. The university’s reasoning for ending these voluntary practices was a “commitment to academic freedom.” In reality, this policy puts many students in the uncomfortable position of entering spaces that may or may not be safe for them to learn, interact and share in—and puts the onus on them to leave or to endure the situation. The decision doesn’t take students wants or needs into account. As the National Coalition Against Censorship [notes](http://ncac.org/resource/ncac-report-whats-all-this-about-trigger-warnings): “In many cases, the request for trigger warnings comes from students themselves.” And safe spacescan have powerful therapeutic purposes for those who enter them. In fact, the university’s new policydoes the exact opposite of what it is purported to do: instead of fostering academic freedom, it could foster mistrust and negatively affect survivors of trauma, including people of color.If students cannot trust that spaces they enter are going to keep them safe, they are less able to feel secure enough to learn. Safe spaces and trigger warnings can help support victims of assault, PTSD and violence**.**Organizations like [Slut Walk](https://en.wikipedia.org/wiki/SlutWalk) and [Take Back The Night](http://takebackthenight.org/) have made great strides in ending stigma for sexual assault survivors and have called for increasing trigger warnings for sensitive content. A lack of safe spaces can also [compound the mental toll of racism](http://www.psychologicalscience.org/index.php/news/were-only-human)**,** even subtle racism. Past experience with bullying plays a role here: Of the 160,000 children bullied every day, 31% are multiracial, according to Clemson University’s “[Status of Bullying in School](http://womensenews.org/2015/10/multiracial-girls-open-up-about-getting-bullied/)” 2013 report. Racial bullying often goes unnoticed or unreported due to how teachers perceive interethnic relationships. Psychologist Morris Rosenberg [found](https://etd.ohiolink.edu/!etd.send_file?accession=bgsu1182788295&disposition=inline) that African-Americans showed surprisingly high rates of self-esteem when they compared themselves with other African-Americans, but when they compared themselves to white peers, self-esteem levels dropped. Safe spaces can help minorities feel empowered to speak up**.** Some may say a commitment to free speech, by any means necessary, does more to foster a positive **academic** setting than safe spaces and trigger warnings. But **the bigger question is:** whose speech is being protected **by these policies**? **They** certainly **don’t** always **foster a healthy relationship with students of color or survivors of trauma or those who live at the intersection of both**. Sitting in the dark holding my newborn and struggling with undiagnosed postpartum depression, anxiety and obsessive-compulsive disorder were some of the darkest days of my life. But because of ratings systems on movies and descriptions on the TV guide, I was able to take small steps every day to commit to keeping myself mentally healthy. The pressure of living up to the stereotype of a proud, wise, confident Latina mother kept me from seeking help for a long time. But when my first postpartum depression support group facilitator said in a hushed, happy voice that this was a safe space, I felt the weight slowly start to lift from my chest. All the pent-up anxiety I had felt was dissapating—just by knowing that the physical place I chose to be in was filled with people who understood me and could help me find the tools to get well. Being able to make informed decisions about which spaces students chose to enter and not enter is critical in helping them stay well and take control over the information they decide to receive and how to receive it. A critical phase of healing involves reclaiming power and control in [positive ways](http://www.shrinkrapradio.com/442.pdf). Our universities should be at the vanguard of modeling the way forward—not backward.

#### Forcing minorities to confront racial microaggressions without any other form of recourse or retreat induces racial “battle fatigue” that translates into actual material harms

Smith et al 07 [William A. Smith University of Utah Walter R. Allen University of California, Los Angeles Lynette L. Danley University of Utah, ““Assume the Position . . . You Fit the Description” Psychosocial Experiences and Racial Battle Fatigue Among African American Male College Students,” American Behavioral Scientist, 2007] JW

Racial Microaggressions in Historically White Environments The concern about greater distress and academic attrition among Black males attending historically White universities should not be misunderstood as individual failure to cope with stress or as being academically underprepared (Prillerman, Myers, & Smedley 1989). Pierce (1974) has argued that in analyzing racial discrimination, we “must not look for the gross and obvious. The subtle, cumulative miniassault is the substance of today’s racism” (p. 516). He defined these mini-assaults as microaggressions and explained that these racialized insults “may seem harmless, but the cumulative burden of a lifetime of microaggressions can theoretically contribute to diminished mortality, augmented morbidity, and flattened confidence” (Pierce, 1995, p. 281). African American males not only experience mini-assaults or racial microaggressions, they also experience macrostressors or racial macroaggressions (Williams, Neighbors, & Jackson, 2003). Racial macroaggressions are largescale, systems-related stressors that are widespread, sometimes becoming highly publicized, race-related, traumatic events. For example, the 1963 Birmingham church bombing or “driving-while-Black” restrictions would classify as racial macroaggressions (Feagin, 2006). Landrine and Klonoff (1996) maintain that whether at the micro- or macrolevel, perceived racial discrimination is a nearly universal stressor for Blacks. According to the authors, these universal race-related stressors are linked with poor mental and physical health outcomes. Based on a sample of African Americans ages 15 to 70 years, Landrine and Klonoff reported that 98.1% of Blacks said they experienced racial discrimination during the past year and 100% reported that they had experienced racial discrimination at some point during their lifetime. Moreover, 99.4% of the sample indicated that these race-related experiences were stressful. Thus, racism has a systemic, powerful, and far-reaching effect in the lives of Black people (Feagin, 2006). The impact of racial microaggressions on individual Black targets become communicable as the psychological and emotional pain of the incidents is passed on to family, friends, and the larger social group and across generations (Feagin & McKinney, 2003; Smith, 2005b). According to Smith (2005b), racial microaggressions can range from racial slights, recurrent indignities and irritations, unfair treatment, stigmatization, hypersurveillance, and contentious classrooms to personal threats or attacks on one’s wellbeing (also see Bobo & Smith, 1998; Clark, Anderson, Clark, & Williams, 1999; Essed & Stanfield, 1991; Williams, Yu, Jackson, & Anderson, 1997; Wilson, 1990). As a result of chronic racial microaggressions, many African Americans perceive their environment as extremely stressful, exhausting, and diminishing to their sense of control, comfort, and meaning while eliciting feelings of loss, ambiguity, strain, frustration, and injustice (Brown et al., 1999). When racially oppressed groups are in situations where they experience environmental stressors as mundane events, the ramifications are as much a psychological and emotional burden as they are a physiological response (Carroll, 1998; Pierce, 1974). Racial Battle Fatigue in Historically White Environments Racial battle fatigue addresses the physiological and psychological strain exacted on racially marginalized groups and the amount of energy lost dedicated to coping with racial microaggressions and racism. The concept of racial battle fatigue synthesizes and builds on the extensive discipline-specific research literature and studies of stress responses to racism and its impact on health and coping (e.g., Brown, Parker-Dominguez, & Sorey, 2000; Brown, Wallace, & Williams, 2000; Carroll, 1998; Clark et al., 1999; Feagin & McKinney, 2003; Feagin & Sikes, 1994; Gougis, 1986; James, 1994; Pierce, 1974, 1975a, 1975b, 1995; Prillerman et al., 1989; Sapolsky, 1998; Scaer, 2001; Shay, 2002; Shay & Munroe, 1999; Smith, 2004, 2005a, 2005b; Steele, 1997; Steele & Aronson, 1995; Stevenson, 1994a, 1994b, 1997, 1998; Williams et al., 1997). Racial battle fatigue also uses the literature on combat stress syndrome (also known as combat stress fatigue, combat trauma, combat injury, or posttraumatic stress disorder or injury) for understanding the effects of hostile environments (Pierce, 1975a, 1995; Shay, 2002; Shay & Munroe, 1999; Smith, 2004; U.S. Department of the Army, 1994; Willie & Sanford, 1995). Combat stress syndrome is diagnosed when military personnel suffer from mental, emotional, and physiological injuries in response to persistent, extreme stress or risk. Unlike typical occupational stress, combat stress syndrome and racial battle fatigue are natural responses to living and working under mundane conditions of heightened distress, especially when facing potential perils or dangers because of tough, violent conditions or the perception that one’s life, personal dignity, or character is being threatened (Pierce, 1974, 1975a, 1975b, 1995; Shay, 2002; Shay & Munroe, 1999; U.S. Department of the Army, 1994). For the military soldier, combat stress is the result of being placed in a foreign environment and having to be constantly on guard for imminent danger in less-than-ideal and life-threatening conditions. For African Americans, racial battle fatigue is the result of constant physiological, psychological, cultural, and emotional coping with racial microaggressions in less-than-ideal and racially hostile or unsupportive environments (campus or otherwise). African Americans experience mundane environmental stressors as physiological, psychological, and emotional burdens (Feagin, Vera, & Imani, 2001). In the aftermath of a racially traumatic event, it is normal to have feelings of detachment or emotional numbness or a feeling of distorted or altered reality (e.g., wondering, “Did I hear what I thought I just heard?”). Surprise, shock, and frustration are oftentimes followed by the attempt to force the event from memory, denying that it occurred, or reliving the event in dreams or in conversations with others. Unfortunately, for most people of color, these negative feelings or the associated collective memories seldom fade; instead, they become a part of a person’s life history. For African Americans and other people of color, the mental, emotional, and physiological symptoms of racial battle fatigue can develop from exposure to chronically stressful race-related conditions. These conditions can range from chronic exposure to and experiences with racial slights, recurrent indignities and irritations, unfair treatment, and contentious classrooms to personal threats to one’s well-being (Clark et al., 1999; Essed & Stanfield, 1991; Prillerman et al., 1989; Smith, 2004, 2005a; Williams et al., 1997). College and university campuses and their surrounding communities are often located in historically White environments where racial discrimination exists in both subtle and overt forms (Devine, 1989; Dinwiddie & Allen, 2003; Dovidio, Kawakami, Johnson, Johnson, & Howard, 1997; Lewis, Chesler, & Forman, 2000). African Americans are trying to transition into these historically White spaces and succeed, despite never knowing if or when they might be the targets of racial discrimination. The cumulative symptoms of racial battle fatigue are both physiological and psychological (Smith, 2004, 2005a, 2005b). Examples of physiological symptoms include, but are not limited to, (a) tension headaches and backaches, (b) elevated heart beat, (c) rapid breathing in anticipation of racial conflict, (d) an upset stomach or “butterflies,” (e) extreme fatigue, (f) ulcers, (g) loss of appetite, and (h) elevated blood pressure. The psychological symptoms of racial battle fatigue include (a) constant anxiety and worrying; (b) increased swearing and complaining; (c) inability to sleep; (d) sleep broken by haunting, conflict-specific dreams; (e) intrusive thoughts and images; (f) loss of self-confidence; (g) difficulty in thinking coherently or being able to articulate (confirming stereotype); (h) hypervigilance; (i) frustration; (j) denial; (k) John Henryism, or prolonged, high-effort coping with difficult psychological stressors; (1) emotional and social withdrawal; (m) anger, anger suppression, and verbal or nonverbal expressions of anger; (n) denial; (o) keeping quiet; and (p) resentment (for more information on the effects of racial stressors, see Clark et al., 1999; Feagin & McKinney, 2003; Feagin & Sikes, 1994; James, 1994; Pierce 1974, 1975a, 1995; Prillerman et al., 1989; Turner & Myers, 2000; Williams et al., 1997). As a result of mundane racial microaggressions, social feelings of cohesion and moral trust are often retarded or broken between students of color and the HWI community (Smith, 2004)

**Antiblackness is metaphysics – This means that it is engrained within the structure of society – trying to change the mind of racists with free speech can never occur – this also non unique the “productive” dialogue the aff seeks to achieve**

**Warren 15** [Calvin L., Black Nihilism and the Politics of Hope ; Surce: CR: The New Centennial Review, Vol. 15, No. 1, Derrida and French Hegelianism (Spr ing 2015), XMT, pp. 215-248 Published by: Michigan State University Press Stable URL: http://www.jstor .org/stable/10.14321/crnewcentrevi.15.1.0215 . Accessed: 30/03/2015

For the black nihilist, **anti-blackness is metaphysics**. It is **the system of thought and organization of existence that structures the relationship be- tween object/subject,** human/animal, rational/irrational, and free/en- slaved—essentially, the categories that constitute the field of Ontology. Thus, the social rationalization, loss of individuality, economic expansionism, and technocratic domination that both Vattimo and Heidegger analyze actually depend on anti-blackness.5 Metaphysics, then, is unthinkable without anti- blackness. Neither Heidegger nor Vattimo explores this aspect of Being’s oblivion—it **is the literal destruction of black bodies that provide the psychic, economic, and philosophical resources for modernity to objectify**, forget, and ultimately obliterate **Being** (nonmetaphysical Being). We might then consider black captivity in the modern world as the “perfection” of metaphysics, its shameful triumph, because through the violent technology of slavery Being itself was so thoroughly devastated. Personality became property, as Hortense Spillers would describe it, and with this transubstantiation, Being was objectified, infused with exchange value, and rendered malleable within a sociopolitical order. In short, **Being lost its integrity with the Trans-Atlantic Slave Trade; at that moment in history, it finally became possible for an aggressive metaphysics to exercise obscene power—the ability to turn a “human” into a “thing.”** The captive is fractured on both the Ontological and ontic levels. This violent transubstantiation leaves little room for the hopeful escape from metaphysics that Heidegger envisions. Can the black-as-object lay claim to DaSein? And if so, how exactly does hermeneutic nihilism restore Being to that which is an object? If we perform a “philosophy of history,” as Vattimo would advise, we understand that metaphysicians, and even those we now consider “post- metaphysicians,” constructed the rational subject against the nonreasoning black, who, according to Hegel, Kant, Hume, and even Nietzsche was situated outside of history, moral law, and consciousness (Bernasconi 2003; Judy 1993; and Mills 1998). It is not enough, then, to suggest that metaphysics engenders forms of violence as a necessity, as a byproduct; thinking itself is structured by anti-blackness from the very start. **Any postmetaphysical project that does not take this into account will inevitably reproduce the very structures of thought that it would dismantle.**

#### The role of the ballot is to endorse the debater with the best methodology to liberate the oppressed

#### The role of the judge is to be a critical educator

#### We endorse the status squo. Safe spaces that are currently in the status quo should remain where they are. The negative cannot fiat more safe spaces will occur – but our method in the kritik is affirming the tangibility and productivity that safe spaces provide to black students on colleges campuses.

**Okeke 16**

Okeke ,Cameron .*I’m a black UChicago graduate. Safe spaces got me through college. Cameron Okeke is currently earning a master's in bioethics at the Johns Hopkins Bloomberg School of Public Health and Berman Institute of Bioethics in Baltimore, Maryland. His views are his own and do not represent those of the institution he currently attends.* *Aug 29, 2016* http://www.vox.com/2016/8/29/12692376/university-chicago-safe-spaces-defense

The [**University of Chicago**](http://www.vox.com/2016/8/26/12657684/chicago-safe-spaces-trigger-warnings-letter) sent a dizzying letter to its freshman class last week, pledging its allegiance to two principles: academic freedom and freedom of expression. The letter expressed this commitment by denouncing "so-called trigger warnings" and [**"intellectual ‘safe spaces.’"**](http://www.vox.com/2016/8/29/12684042/safe-spaces-college-university) To those unfamiliar with the UChicago’s abysmal campus climate, a strong stance against echo chambers may seem reasonable. But marginalized students know that this declaration ignores the real problems on campus: sexual assault, racial profiling, and other troubling issues. I would know. **During my four years as an undergraduate at UChicago from 2011 to 2015, I grew increasingly dissatisfied with the university’s willful ignorance of students’ concerns, especially students of color. As a first-generation black student, I needed safe spaces like the Office of Multicultural Student Affairs — not to "hide from ideas and perspectives at odds with my own," but to heal from relentless hate and ignorance, to hear and be heard.** My ideas were always challenged, but never my humanity. I mattered. **Full of robust dialogue, safe spaces are not a bubbled-wrapped echo chamber, but a places where "civility and mutual respect" actually matter. Though spacious, the multicultural student affairs office was always full of students sharing their struggles and grappling with oppression. Underfunded and understaffed, it was a house-turned-sanctuary for students and student groups alike. I even slept there during a particularly brutal finals week**. I, like many other students, wouldn’t have survived UChicago without this place to call my home. Alas, UChicago does not seem to get it. **The university**[**claims that it values diversity**](http://diversity.uchicago.edu/)**, boasting about its history of championing black, LGBTQ, poor, and femme-identified students. But you do not get our "diversity" without safe spaces, trigger warnings, or some institutionalized form of respect for people with different experiences.** You want the perspective of someone with PTSD, then you better be prepared to do the work to make them comfortable enough to speak up in class, and that means giving them a heads up when discussing potentially triggering topics**. Classrooms should not be a form of exposure therapy. The Office of Multicultural Student Affairs always started its dialogs with trigger warnings and had people on staff trained to handle PTSD flashbacks. You want the greatness femme-identified folks have to offer, then you have to support them in their endeavors and take sexual assault and harassment seriously**. While the university continually failed to take rape and rape threat seriously, the Phoenix Survivor Alliance held solidarity circles to support survivors at Hull Gate. You want low-income and first-generation students to focus in class and thrive in your elitist institution, then you better fund the Student Support Services (for undocumented and low-income students) and address the classist onslaught inherent in UChicago culture. When the dining halls closed on Saturday nights, low-income students (myself included) went hungry. Where did we go? The Office of Multicultural Student Affairs. **You want trans and LGBTQ students to show up to class and elevate the conversation with their brilliance, then you need to create a culture where misgendering and**[**deadnaming**](http://fusion.net/story/144324/what-deadnaming-means-and-why-you-shouldnt-do-it-to-caitlyn-jenner/)**are taboo. Fully staff the Office of LGBTQ Student Life and make more places where these students can speak freely about their struggles. You want me to elevate mediocre conversations about race with my personal experience and critical lens, then you better do something about the students muttering about affirmative action every time I speak, or the campus police who stop me on the street for not looking "UChicago enough."** During my time on campus, I met more than couple people who believed in the genetic inferiority of black people. I was never afraid of their thinly veiled bigotry, just bored and disappointed. I needed a space where I, a biology major, was not expected to give free race theory classes. You want black women and other women of color to do anything at all for your gentrifying, police-protected institution, then you better just do better. If you want a university with people who have experienced "real life," then you need to listen to them, address their problems, and create places where they can heal. One house is not enough. Do not disparage the tools we have created as a show of intellectual bravado, then claim our success as your own. If, on the other hand, you only want the boring babblings of rich, white, cis, straight men whose worst experience was burying their fourth family pet, then keep doing what you have been doing since your inception. Keep pandering to the politically incorrect and the privileged if you want, but do not expect the depth and nuance that experience brings. Don’t expect us to show up. UChicago should know that trigger warnings and **safe spaces exist to give those with firsthand experience a way to engage without sacrificing their well-being or safety**. This accessibility is the key to a truly open marketplace of ideas and an essential pillar of academic freedom. **Recklessly painting trigger warnings and safe spaces as enemies to academic freedom will only make UChicago a more hostile environment for marginalized first-years. Being diverse isn't easy and our diversity ain’t free. Don’t let us in if you can’t make room for us.**

## 2NR Frontlines

### AT Coddling

#### 1. The alternative to safe spaces is dropping out of school entirely: safe spaces are the best form of recourse for racial minorities on college campuses

Deo 13 [Meera E. Deo, \* J.D. (2000), University of Michigan Law School; Ph.D. (Sociology) (2009), University of California, Los Angeles. Associate Professor, Thomas Jefferson School of Law, “Two Sides of a Coin: Safe Space & Segregation in Race/Ethnic-Specific Law Student Organizations,” 42 Wash. U. J. L. & Pol’y 083 (2013), <http://openscholarship.wustl.edu/law_journal_law_policy/vol42/iss1/11>] JW

Both scholarly and popular literature regarding the law school environment has documented the challenges associated with learning about the law. Academics have published articles, books, and anthologies discussing many facets of legal education, covering everything from pedagogy79 to peer mentorship.80 These studies reveal that law school is “frustrating and even debilitating” for many students.81 It is no secret that law school can be a stressful and sometimes depressing environment for students from all backgrounds and walks of life.82 While the experience may be challenging for almost all students, it can be especially difficult for those who are traditionally underrepresented on the law school campus. White men are reported to be the focus of legal education even today, receiving more classroom attention than their female and student of color classmates.83 The continuing white male normative environment on predominantly white law school campuses may be one cause of the ongoing achievement gap,84 especially as some students of color disengage from learning rather than participate in the classroom.85 An alternative to disengagement is to create and join race/ethnic-specific organizations that provide supportive “counter spaces” on the otherwise unwelcoming campus.86 This Article analyzes the empirical data already presented, especially regarding student perceptions of these “counter spaces,” within a framework of privilege, sovereignty, and segregation. In fact, law school could be considered largely segregated already, with many whites preferring those from their own racial background for social and academic pursuits.87 Law students of color facing microaggressions88 that may cause Mundane Extreme Environmental Stress (MEES) sometimes create and join “counter spaces” as “a positive coping strategy.”89 This may be especially true on campuses with little structural diversity—i.e., few students of color on campus.90 Although there has been more integration of law school in recent decades,91 it is unclear whether levels of interaction and classroom diversity have improved.92 Recent challenges in legal education may be reversing recent gains in enrollment and graduation of diverse students. Thus, the safe space buffer provided by “counter spaces” may be essential for the retention of law students of color.93 A few recent studies have pointed toward the ways in which students of color, especially those who are members of race/ethnic- specific organizations, are appreciative of the safe space that their groups provide.94 They tend to join these groups for various forms of support and benefit from the buffer that these groups provide from the larger campus environment.95 This may be especially true for the few law students of color on each predominantly white campus, many of whom feel marginalized, tokenized, and singled out as different from their peers.96 Many of the benefits that accrue to students of color who join race/ethnic-specific organizations may be due specifically to the safe space inherent within them. This safe space would be impossible to preserve if the broader campus community participated in the groups in significant numbers. In other words, if the racial composition of group membership mirrored that of the law school as a whole, it would obviously not be a group consisting mainly of students of color but rather would be predominantly white, since that is the racial composition of most law schools.97 The culture, tone, and nature of the group would likely change as well, depending on how the privileged status of those not sharing the racial/ethnic identity of the group’s focus affected the others.98 Again, one main cause behind the isolation facing students of color at predominantly white institutions is the expectation that they will conform to an inflexible and white-focused environment.99 As historically elite white settings, universities treat students of color as “outsiders” who do not belong.100 This continues into law school, where a “cultural paradigm [that is] decidedly ‘white’. . . generally exerts upon non-whites more pressures to conform”101

### AT Counter Speech

#### 1. The idea that if only minorities were on the same playing field as whites then the problem would be fixed is the exact mindset of white privilege that we are critiquing. Arguments that rely on this premise only perpetuate structural forms of racism

Deo 13 [Meera E. Deo, \* J.D. (2000), University of Michigan Law School; Ph.D. (Sociology) (2009), University of California, Los Angeles. Associate Professor, Thomas Jefferson School of Law, “Two Sides of a Coin: Safe Space & Segregation in Race/Ethnic-Specific Law Student Organizations,” 42 Wash. U. J. L. & Pol’y 083 (2013), <http://openscholarship.wustl.edu/law_journal_law_policy/vol42/iss1/11>] JW \*brackets from original text

White privilege may be “‘the opposite side of the coin of discrimination and exploitation.’”115 A number of scholars have examined the structural nature of privilege with a focus on racial oppression and from the viewpoint of the oppressed. For instance, racial privilege is the focus of Michael Omi and Howard Winant’s foundational book Racial Formation in the U.S.116 Because race is “a socially constructed way of differentiating human beings,” rather than biologically determined, the very definitions of race can change over time and continue to change today.117 Omi and Winant discuss the socio-historical transformations of race as political projects push and pull race and racism into various contortions.118 These are not private political concerns that operate wholly separately from the public sphere; instead, “the State maintains ‘a tendency to reproduce those patterns of inequality’” in the form and manner most appropriate for the day and age.119 Thus, “the major institutions and social relationships of U.S. society—law, political organization, economic relationships, religion, cultural life, residential patterns, etc.—have been structured from the beginning by the racial order” and continue to reflect racial privilege today.120 Sociologist Eduardo Bonilla-Silva has also made a significant contribution to this conversation with his impressive body of work over the past two decades.121 Among his early pieces he introduces the “racialized social system,” a theoretical framework for understanding the structural nature of American racism.122 According to this framework, the American racial hierarchy consists of groups that are either “beneficiaries (members of the dominant race)” or “subordinates (members of the dominated race or races).”123 Members of different groups look to promote their own group’s interest, such that some work to perpetuate the racial order and others rebel against it.124 Rather than looking at racism as an individual legacy from the past, once situated within this structural framework, “[r]acial phenomena are regarded as the ‘normal’ outcome of [society’s] racial structure” and “[r]acially motivated behavior, whether or not the actors are conscious of it, is regarded as ‘rational’—that is, as based on the races’ different interests.”125 In other words, the overall structure sustains racism, as opposed to its existence being based solely on the actions of a few aberrant individuals.126 Thus, it may be true that the past fifty years have seen less of the overt, de jure discrimination that had been rampant in the early history of the United States; however, racism in its current evolution may be equally oppressive.127 While “[s]ociologists have extensively documented both the structural forces that perpetuate racial disparities and how the illusion of neutrality contributes to the persistence of those structural forces,” legal academics also have contributed to academic understandings of structural racism.128 Critical Race Theory (CRT) scholars are especially clear voices in this conversation. For instance, much of Derrick Bell’s work elaborates on the “racial projects” that Omi and Winant popularized.129 Bell considers how the fluidity, flexibility, and adaptation of racial discrimination—the “myriad of guises” that racism dons to stay a step ahead of the law—are perhaps its greatest asset.130 While some may believe racism to be a relic of the past, Bell emphasizes that while it may be disguised in various forms it is still with us today.131 What social scientists call “structural racism,” legal academics sometimes refer to as “institutional racism,” a term popularized in the CRT literature by Ian Haney-López over a decade ago.132 Though there are varying definitions associated with structural/institutional racism, most see it as “a complex, dynamic system of conferring social benefits on some groups and imposing burdens on others that results in segregation, poverty, and denial of opportunity for millions of people of color.”133 Following along Wildman’s discussion of privilege, CRT scholars have presented a number of different characteristics often associated with racial privilege. Two important facets of structural/institutional racism include its infiltration of “multiple social domains” and its “dynamic and cumulative” nature; taken together, these allow for virtually invisible but pernicious racism to “adapt seamlessly to changing social conditions” throughout most aspects of social life.134 Belief that inequality in the system is “normal” results in a great benefit to those who maintain structural power, as it “reinforce[s] a racial hierarchy of status resulting in ‘social domination’ by a superordinate group (Anglos) over a subordinated group [(people of color)].”135 Structural racism is all-pervasive, infecting the very institutions that support communities, civic bodies, and society broadly. “The effects of structural racism do not occur in isolation from each other. Rather, they are connected spatially, across all social domains. This is often described as a ‘matrix of domination’ or a ‘web of oppression.’”136

### AT Hate Speech Not CPS

#### Hate speech is permissible under the first amendment despite the exceptions

Volokh 15 [Eugene Volokh, Law Professor at UCLA, “No, there’s no “hate speech” exception to the First Amendment,” The Washington Post, May 7, 2015, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.9e1ed85e9262>] JW

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s Tweet that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.) The same is true of the other narrow exceptions, such as for true threats of illegal conduct or incitement intended to and likely to produce imminent illegal conduct (i.e., illegal conduct in the next few hours or maybe days, as opposed to some illegal conduct some time in the future). Indeed, threatening to kill someone because he’s black (or white), or intentionally inciting someone to a likely and immediate attack on someone because he’s Muslim (or Christian or Jewish), can be made a crime. But this isn’t because it’s “hate speech”; it’s because it’s illegal to make true threats and incite imminent crimes against anyone and for any reason, for instance because they are police officers or capitalists or just someone who is sleeping with the speaker’s ex-girlfriend. The Supreme Court did, in Beauharnais v. Illinois (1952), uphold a “group libel” law that outlawed statements that expose racial or religious groups to contempt or hatred, unless the speaker could show that the statements were true, and were said with “good motives” and for “justifiable ends.” But this too was treated by the Court as just a special case of a broader First Amendment exception — the one for libel generally. And Beauharnais is widely understood to no longer be good law, given the Court’s restrictions on the libel exception. See New York Times Co. v. Sullivan (1964) (rejecting the view that libel is categorically unprotected, and holding that the libel exception requires a showing that the libelous accusations be “of and concerning” a particular person); Garrison v. Louisiana (1964) (generally rejecting the view that a defense of truth can be limited to speech that is said for “good motives” and for “justifiable ends”); Philadelphia Newspapers, Inc. v. Hepps (1986) (generally rejecting the view that the burden of proving truth can be placed on the defendant); R.A.V. v. City of St. Paul (1992) (holding that singling bigoted speech is unconstitutional, even when that speech fits within a First Amendment exception); Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. # 204, 523 F.3d 668, 672 (7th Cir. 2008) (concluding that Beauharnais is no longer good law); Dworkin v. Hustler Magazine Inc., 867 F.2d 1188, 1200 (9th Cir. 1989) (likewise); Am. Booksellers Ass’n, Inc. v. Hudnut, 771 F.2d 323, 331 n.3 (7th Cir. 1985) (likewise); Collin v. Smith, 578 F.2d 1197, 1205 (7th Cir. 1978) (likewise); Tollett v. United States, 485 F.2d 1087, 1094 n.14 (8th Cir. 1973) (likewise); Erwin Chemerinsky, Constitutional Law: Principles and Policies 1043-45 (4th ed. 2011); Laurence Tribe, Constitutional Law, §12-17, at 926; Toni M. Massaro, Equality and Freedom of Expression: The Hate Speech Dilemma, 32 Wm. & Mary L. Rev. 211, 219 (1991); Robert C. Post, Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment, 76 Calif. L. Rev. 297, 330-31 (1988). Finally, “hostile environment harassment law” has sometimes been read as applying civil liability — or administrative discipline by universities — to allegedly bigoted speech in workplaces, universities, and places of public accommodation. There is a hot debate on whether those restrictions are indeed constitutional; they have generally been held unconstitutional when applied to universities, but decisions are mixed as to civil liability based on speech that creates hostile environments in workplaces (see the pages linked to at this site for more information on the subject). But even when those restrictions have been upheld, they have been justified precisely on the rationale that they do not criminalize speech (or otherwise punish it) in society at large, but only apply to particular contexts, such as workplaces. None of them represent a “hate speech” exception, nor have they been defined in terms of “hate speech.” For this very reason, “hate speech” also doesn’t have any fixed legal meaning under U.S. law. U.S. law has just never had occasion to define “hate speech” — any more than it has had occasion to define rudeness, evil ideas, unpatriotic speech, or any other kind of speech that people might condemn but that does not constitute a legally relevant category.

## Psychic Violence

#### Racial battle fatigue turns the case: minorities are shut out of conversations and are never treated as an equal participant in the discussion

Smith et al 07 [William A. Smith University of Utah Walter R. Allen University of California, Los Angeles Lynette L. Danley University of Utah, ““Assume the Position . . . You Fit the Description” Psychosocial Experiences and Racial Battle Fatigue Among African American Male College Students,” American Behavioral Scientist, 2007] JW

Responding in emotional self-defense to traumatic events, Black students might slowly or suddenly distance themselves from stressful conflicts and deny or avoid recalling the impact of such experiences. In fact, African American males bear a social cost when they attribute blocked opportunities for success to discrimination. Kaiser and Miller (2001) found that no matter how much discrimination an African American male faces, he is viewed as hypersensitive, emotional, argumentative, irritating, troublesome, and complaining when he suggested that discrimination was the cause of a failing grade. As a result, according to these authors, African American males are more likely to minimize acts of racial discrimination. In a supporting study, Swim et al. (2003) found African American gender differences in behavioral responses to racist incidents. African American male students (36%) were less likely than African American female students (81%) to respond directly or indirectly to racist incidents. Moreover, these gender differences were not because of differential types of incidents experienced by Black women and men. These researchers maintain that African American males suffer greater consequences for assertively confronting perpetrators. The social condition that produces racial battle fatigue for African Americans is enveloped in societal ideologies and beliefs about Blacks as a group. In this social milieu, where institutional and individual racist practices are present (whether overtly, covertly, subtly, or as color-blind acts), African Americans are constantly dedicating time and energy to determining if there was a stressor, whether that stressor was motivated by a racist purpose, and how or if they should respond. With a history of more than several centuries of racial struggle in the United States, African Americans are socialized to employ many forms of coping strategies for combating racial microaggressions (Bowman & Howard, 1985; Clark et al., 1999; Prillerman et al., 1989; Stevenson, 1994a, 1994b, 1997, 1998). Research suggests that this socialization process has prepared them more effectively for dealing with racial macroaggressions than with microaggressions (Prillerman et al., 1989; Stevenson, 1994a, 1994b, 1997). Depending on the coping responses, adaptive or maladaptive, African Americans will experience racial battle fatigue in varying frequencies and degrees that directly affects psychological and physiological stress response and related health outcomes. Despite various coping strategies, Black male college students express high levels of repressed frustration, greater dropout or “slow-out” rates, and lower grades because of the mundane, extreme, environmental stressors faced in public, academic, and social spaces on and off campus (Carroll, 1998; Feagin, 2002; Feagin, Vera, & Imani, 2001; Solórzano, Allen, & Carroll, 2002). More research is beginning to examine African American male collegians’ success and struggles (Kaiser & Miller, 2001; Stevenson, 1998; Swim et al., 2003). However, more often than not, the outcomes are not pleasant for Black males. Trend data indicate that Black males are more likely than Black females to drop out of high school and college, and consequently more Black men will abuse drugs, become incarcerated, and have higher rates of psychological disturbances (Duncan, 2003). For African American males, hopes of achieving the “American Dream,” of being employed with a college degree, are too often thwarted. A raced–gendered analysis of national enrollment data found a disproportionately low representation of Black males to Black females. For every Black male enrolled in college, there were two Black females enrolled; similar disparities exist with respect to earned degrees (Harvey & Anderson, 2005).